

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

WILDEARTH GUARDIANS,

Plaintiff,

vs.

ELAINE L. CHAO, et al.,

Defendants,

CV-18-110-GF-BMM

ORDER

Before the Court is Federal Defendants' Motion for Stay (Doc. 24) briefing on their Motion to Dismiss (Doc. 18).

Federal Defendants moved to dismiss this case for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted. (Docs. 18-19). Federal Defendants' reply brief is currently due on or before January 25, 2019, pursuant to the scheduling order (Doc. 17). Federal Defendants seek to stay briefing on their Motion to Dismiss because funding for the Department of Justice expired and appropriations to the Department lapsed. (Doc. 24 at 2). This lapse in appropriations has caused the Department of Justice attorneys and other governmental employees related to this suit to work in "very limited circumstances." *Id.* at 3.

Indeed, the Federal Government remains partially shutdown and continues to impact negatively close to one million federal workers. The harm alleged in this case, however, remains on-going and will not stop despite the shutdown of the Federal Government. (Doc. 1). The Complaint alleges this harm has remained unattended “[o]ver the course of at least the last six years.” *Id.* at ¶ 3. To stay these proceedings due to the Federal Government’s failure to reopen and deny the Plaintiffs the right to be heard in relation to these alleged harms conflicts with the interests of justice.

ORDER

Accordingly, IT IS ORDERED that Federal Defendants’ Motion for Stay (Doc. 24) is DENIED.

DATED this 28th day of January, 2019.



Brian Morris
United States District Court Judge